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C O N F I D E N T I A L SECTION 01 OF 02 HANOI 000581

SIPDIS

DEPARTMENT FOR EAP/MLS

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TAGS: PHUM PREL VM

SUBJECT: MFA PROTESTS U.S. STATEMENT ON JAILED LAWYER

REF: HANOI 570

Classified By: Charge d'Affaires Virginia E. Palmer for reasons 1.4 (b) and (d).

¶1. (C) Summary: Charge was called in to MFA on June 22 to receive an official protest of the U.S. statement condemning the arrest of prominent lawyer Le Cong Dinh and "evidence" of Dinh's guilt from MFA North Americas Division Director General Ba Hung. Charge pushed back, asserting that Vietnam should be strong enough to tolerate dissenting opinions among its citizens and abandon the use of catch-all national security laws like Article 88. Hung was at pains to assert that Vietnam did not discriminate against those who have studied abroad and that (contrary to initial Ministry of Public Security statements at the time of the arrest) Dinh was not arrested because of the clients he defended. Hung made clear that the primary goal of the GVN is to retain power, saying any plans that threaten this objective, including non-violent expressions like those of Le Cong Dinh, will be "destroyed" while still in their early stages. End summary.

¶2. (SBU) Charge met with MFA Americas Director General Nguyen Ba Hung on June 22 to discuss the ongoing debate surrounding the recent arrest of lawyer Le Cong Dinh. Hung asserted that Dinh plotted the overthrow of the GVN and the arrest was a matter of national security to prevent "gangs" of non-violent protesters from taking advantage of Vietnam's vulnerability in 2009 and early 2010. Hung acknowledged the world community's negative perceptions of the arrests and asserted strongly that the GVN did not discriminate against those who have studied abroad. He said that upon return to Vietnam, Le Cong Dinh had always been provided with "favorable conditions for practicing his profession." Hung stated that Dinh had long enjoyed the right to express his views, some of which have been "very harsh" against GVN, and has written freely in many prominent publications, both in Vietnam and abroad and, until recently, Dinh "has never been dealt with by the Socialist State of Vietnam."

¶3. (SBU) Hung asserted that recently Le Cong Dinh has "used democracy and human rights as a cloak to carry out his subversive plots" to overthrow the GVN by engaging exile groups to instigate "gangs" of non-violent protesters within Vietnam. The goal of these gangs, he asserted, is to generate social disorder and instability within Vietnam and ultimately, to overthrow the government during an expected period of vulnerability in 2009 and early 2010. Hung, reading from an MPS non-paper (also provided to the State Department by the Vietnamese Embassy in Washington) detailed Dinh's "violations," including collusion with exile and "terrorist" groups and the formation of parties and organizations in opposition to the GVN. He asserted that this was the reason for his arrest under Article 88 of the Criminal Code of the Socialist Republic of Vietnam. Hung requested the withdrawal of the State Department statement saying such a strong statement made so early after Dinh's arrest was "dangerous" to U.S.-Vietnam relations.

¶4. (SBU) Charge responded that Hung's statement made her "more and more concerned" and reflected an area of fundamental disagreement between the two nations. Charge reiterated the comment made previously to the Ministry of Public Security (reftel) that Vietnam is strong enough to tolerate peaceful expression. She recalled MPS's initial statements that Dinh was arrested for representing blogger Dieu Cay, Le Thi Cong Nhan, and Nguyen Van Dai and for anti-government writings on-line. Charge noted that the perception that independent lawyers were in jeopardy would have a negative impact on Vietnam's business and investment climate and would, in addition, strengthen those pushing for legislation such as the Vietnamese Human Rights Bill.

¶5. (SBU) Hung repeatedly reiterated GVN determination to thwart any attempt to overthrow the government and asserted that even non-violent activities like Dinh's were a matter of national security and stability. The number one goal of the GVN is to become a developed country and a strong participant in ASEAN, APEC and the UN. He asserted that "terrorist" groups like Viet Tan had "changed their ways" in an effort to carry out their objectives using non-violence. Charge replied firmly that the USG had no evidence that Viet Tan was a terrorist group. Hung responded that the GVN is concerned not only with violence, but rather about the goal of the organizations that plotted against the government. By this measure, Hung asserted, members of Viet Tan are terrorists despite their non-violent stance. Hung noted that Vietnam had made significant progress, both politically and economically and stated that while the GVN is becoming more tolerant, it will "never tolerate efforts to change the regime."

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¶6. (C) Comment: Hung's points track closely with those delivered by MPS and by Vietnam's embassy in Washington, and we expect this will not be the last belligerent GVN reaction on Dinh's case. Despite the bluster, however, the GVN is clearly sensitive to international opinion and we believe that continued high-level attention to this case from a variety of sources is likely to have an impact on the GVN's own internal calculations of how to handle it.

PALMER